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ACTION ARA-14

INFO OCT-01 ISO-00 HA-05 CIAE-00 DODE-00 NSAE-00
NSCE-00 SSO-00 USIE-00 INRE-00 PM-05 H-01 INR-07
L-03 PA-01 PRS-01 SP-02 SS-15 IO-13 AID-05 IGA-02
OMB-01 TRSE-00 SCS-06 CA-01 MCT-01 /084 W
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B3NA

O R 281500Z DEC 77
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC IMMEDIATE 3912
INFO AMEMBASSY BRASILIA
AMEMBASSY ASUNCION
AMEMBASSY LA PAZ
AMEMBASSY MONTEVIDEO
AMEMBASSY SANTIAGO

ARGENTINA PROJECT (S200000044)
U.S. DEPT. OF STATE, A/RPS/PS -
Margaret P. Gaffield, Director
() Release (X) Excise () Deny
Exemption(s): B 3 N/A
Declassify: () In Part (X) In Full
() Classify as () Extend as () Downgrade to
Date Declassify on Reason

[REDACTED] SECTION 1 OF 2 BUENOS AIRES 9881

E.O. 11652: GDS
TAGS: SHUM, AR, PINS
SUBJECT: GOA ANNOUNCES EXECUTIVE DETAINEE
CHRISTMAS RELEASES

REF: BUENOS AIRES 9835

1. INTRODUCTION AND SUMMARY
AS AN EXPECTED CHRISTMAS GESTURE, THE GOA
ANNOUNCED ON DECEMBER 23 THE RELEASE OF 389
PERSONS FROM EXECUTIVE DETENTION (PODER
EJECUTIVO NACIONAL), THE GRANTING OF THE
RIGHT OF OPTION TO LEAVE THE COUNTRY FOR -
TEN PEN DETAINEES (INCLUDING ONE AMCIT) AND
THE EXPULSION OF ONE OTHER PRISONER. IN
ADDITION, THE GOVERNMENT HAS PLACED 30 PEN
DETAINEES ON PAROLE AND PLACED TWO OTHER
UNDER HOUSE ARREST. MOST SIGNIFICANTLY, THE
GOVERNMENT ANNOUNCED THAT ONLY 3,607 PERSONS WERE BEING

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HELD UNDER THE EXECUTIVE POWER
(PEN) AND THAT A LIST OF THESE INDIVIDUALS WILL BE MADE

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PUBLIC "AT AN OPPORTUNE TIME." END SUMMARY

2. THE RELEASE FROM EXECUTIVE DETENTION OF 389 PERSONS, WITH AMELIORATION OF THE STATUS OF 43 OTHERS, WAS IN THE MID-RANGE OF EXPECTATIONS HERE. MINISTER OF INTERIOR HARGUINDEGUY HAD TOLD THE AMBASSADOR EARLIER THAT THE MINISTRY WAS STUDYING A LIST OF 675--MEANING THAT ABOUT ONE-THIRD OF THOSE NAMES UNDER STUDY WERE REJECTED. IN RETROSPECT THIS IS NOT SURPRISING, GIVEN HARGUINDEGUY'S (AND ARMY CHIEF OF STAFF FIOLA'S) SUBSEQUENT PUBLIC ASSURANCES THAT NO IRREDEEMABLE SUBVERSIVES, NOR HARDCORE TERRORISTS WOULD BE GIVEN THEIR FREEDOM. WE ARE ALSO AWARE OF THE SCRUTINY GIVEN THE PRESENT RELEASE LIST-- WE BELIEVE IT WAS BY THE THREE SERVICE CHIEFS THEMSELVES-- AND THE UNLIKELIHOOD OF THERE BEING ANY BORDERLINE CASES RESOLVED IN FAVOR OF THE PRISONER. THE NUMBER EXCEEDS THE MID-YEAR RELEASE OF 342 PERSONS. HOWEVER, WE DO NOT KNOW HOW MANY OF THE 389 REMOVED FROM THE PEN WILL ACTUALLY BE ELIGIBLE FOR RELEASE FROM PRISON, I.E. THAT DO NOT HAVE PARALLEL CRIMINAL CHARGES PENDING AGAINST THEM. EMBASSY WILL REPORT THIS INFORMATION AS SOON AS WE CAN.

3. THE FIGURE OF 3,607 REMAINING DETAINEES UNDER THE PEN MAY NOT BE ALTOGETHER RELIABLE--HOWEVER USEFUL IT MAY BE FOR USE AS A BENCHMARK AGAINST WHICH FUTURE RELEASES CAN BE LAID. (ACCORDING TO EARLIER REPORTS FROM RELIABLE GOVERNMENT SOURCES, THE NUMBER OF PEN DETAINEES RANGED BETWEEN 4,000 AND 6,000.)

4. INTEREST CASES-----
OF THE 650 HUMAN RIGHTS CASES PRESENTLY ON FILE IN THE
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US EMBASSY, ONLY 14 WERE AFFECTED BY THE GOA CHRISTMAS ANNOUNCEMENTS. THIS SEEMS SMALL, SINCE WE KNOW OF A LIST OF 15 "HIGH INTEREST TO THE US" CASES PREPARED BY THE MINISTRY OF FOREIGN AFFAIRS AND CIRCULATED RECENTLY-- WE BELIEVE IN CONNECTION WITH THE CHRISTMAS RELEASES. IT SHOULD BE ADDED THAT TWO OF THE 14 IN OUR FILES WERE PREVIOUSLY REPORTED BY THEIR FAMILIES TO HAVE BEEN IN THE DISAPPEARED CATEGORY (DIEGO CARLOS BONAFINA AND RICARDO ANTONIO DIAZ).

5. RIGHT OF OPTION CASES-----
ONE OF THE 10 INDIVIDUALS BEING PERMITTED TO LEAVE THE

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COUNTRY UNDER THE RIGHT OF OPTION LAW IS AMERICAN
CITIZEN MARTA ALICIA PANERO. SHE WAS ARRESTED ON
SEPTEMBER 2, 1976 IN CORDOBA. HER SISTER, MARIA
SUSANA IS STILL BEING DETAINED IN VILLA DEVOTO. THE
EMBASSY

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HAS SUBMITTED TWO NOTES AND MADE A NUMBER OF ORAL
REPRESENTATIONS URGING THE GOA TO RELEASE THE PANERO
SISTERS. THE CONSULATE GENERAL HAS ALREADY ISSUED
MARTA ALICIA PANERO'S PASSPORT AND WILL PROVIDE ASSISTANCE TO
EXPEDITE HER TRAVEL BACK TO USA.
OTHER RIGHT OF OPTION CASES KNOWN TO US INCLUDE JOSE
DANIEL LUTSKY (C-5/77/10)

THERE WAS INTEREST BY THE
ANTI-DEFAMATION LEAGUE IN HIS RELEASE. MR. EDGARDO
BILSKY WILL ALSO BE PERMITTED TO LEAVE THE COUNTRY. HE
WAS INCLUDED RECENTLY IN A NEW YORK TIMES STORY REGARDING
MEDICAL PRISONERS IN LATIN AMERICA.

6. PERSONS RELEASED FROM PEN-----
AMONG THE PERSONS RELEASED FROM EXECUTIVE DETERNTION WERE
IBERO BERENGUER, THE AIRLINE PILOT'S ASSOCIATION LAWYER
WHO DISAPPEARED RECENTLY DURING A HEATED LABOR DISPUTE;
THE EX-GOVERNOR OF TUCUMAN ('73-'76) AMADO JURI; FORMER

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POLICE CHIEF OF SAN JUAN, ENRIQUE GRASSI SUSSINI. TWO US
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INTEREST CASES WERE ON THE LIST. THE FIRST WAS FLORA DYBNER DE RAVAL WHO WAS ARRESTED IN MARCH 1977 IN CONNECTION WITH THE GRAIVER AFFAIR. HER AMCIT BROTHER RUBEN DYBNER REQUESTED DEPARTMENT ASSISTANCE ON THIS CASE IN LATE SEPTEMBER 1977. (STATE 231752) APPRECIATE IF DEPARTMENT WOULD ADVISE HIM REGARDING HIS SISTER'S CHANGED STATUS. SECONDLY, JUAN DE LA CRUZ GONZALEZ WHOSE JAIL SENTENCE HAD ENDED ON NOVEMBER 10, 1977. PROMPTED CONGRESSIONAL INQUIRIES FROM CONGRESSMEN MOFFETT, BURTON, STUDDS AND THE AMERICAN FRIENDS SERVICE COMMITTEE.

7. HOUSE ARRESTS AND PAROLE-----

THE CHRISTMAS ANNOUNCEMENT IS THE FIRST USE OF THE DETENTION FLEXIBILITY CONTAINED IN LAW 21650. OF THE 30 INDIVIDUALS PLACED IN PAROLE, ADOLFO HORACIO ROMERO (C-37/77/11) AND HECTOR ALBERTO GUZMAN (C-54/77/11) [REDACTED]

B3NA

PLACED UNDER HOUSE ARREST. TWO WOMEN HAVE BEEN

8. DEPORTATION-----

THE GOVERNMENT'S DEPORTATION OF SPANISH PRIEST FRANCISCO GUTIERREZ GARCIA COMES AS A SURPRISE. FATHER GUTIERREZ IS ONE OF NINE PRIESTS HELD AT LA PLATA PRISON WHO HAVE BEEN THE SUBJECT OF US INQUIRIES (SEE STATE 192160). THE FATHER WAS PLACED UNDER THE EXECUTIVE DETENTION BY THE PERON GOVERNMENT IN NOVEMBER 1975, AND ALTHOUGH NO CRIMINAL CHARGES WERE BROUGHT, THE FOREIGN MINISTRY INFORMED EMBASSY POLOFF IN SEPTEMBER THAT FATHER GUTIERREZ WAS A KNOWN MONTONERO WHO HAD PARTICIPATED DIRECTLY IN
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ORGANIZING GUERILLA BASES AND THE TRAINING OF FUTURE YADRES. REPORTEDLY, HE HAD RECRUITED FOR THE MONTONEROS IN THE SANTO CRISTO CHURCH IN BUENOS AIRES THROUGH HIS

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RECREATION PROGRAM.
CASTRO

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